

REMARKS

In the Office Action mailed July 27, 2005, the Examiner (1) rejects claims 45-48 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and (2) rejects claims 45-54 under 35 U.S.C. § 103(a) as being unpatentable over Goldstein (U.S. Patent No. 5,410,326) in view of Abrams et al. (U.S. Patent No. 6,724,732). Applicants respectfully traverse these rejections for at least the reasons given below.

Claim Rejections - 35 U.S.C. § 112

Claims 45-48 are rejected under 35 U.S.C., first paragraph, as failing to comply with the written description requirement. Specifically, with respect to claim 45, the Examiner asserts that, as described in the specification, "the remote device provides a response when [the] communication manager detects communication errors, and not when the manager fails to detect." Office Action, p. 2, ll. 14-15. Applicants respectfully traverse this rejection.

Support for the cited portion of claim 45 may be found at least in Figure 21a and its description. Specifically, Figure 21a illustrates a state machine for an exemplary communications manager:

Referring to FIG. 21a, when a user interface object requests a remote method invocation, the hand-held display device's RPC manager enters the "ready to transmit" state 403. The display device's RPC manager then sets an error countdown timer and transmits a packet containing a message with a method selector and associated data. After transmitting the packet, the display device's RPC manager enters a "waiting for reply" state 405. *If the proper reply message is sent*

back, the method invocation is complete and the reply message is analyzed at state 407.

Remote method invocations do not always complete so easily. If the display device's RPC manager does not receive a reply by the time the error countdown timer expires, the display device's RPC manager moves to an "error recovery" state 411. *If the error countdown timer expires less than a predetermined number of times, the display device's RPC manager returns to the "ready to transmit" state 403. If the error countdown timer reaches a predetermined limit, the display device's RPC manager abandons the remote method invocation and enters a failed state 413.*

Applicants' Specification, p. 82, l. 19-p. 83, l. 18 (emphasis added).

Further support for the cited portion of claim 45 may be found in Figure 21c and its description:

Figure 21c illustrates the sequence of a remote method invocation *where there are no communication problems*. At step 501, a user interface object in the hand-held display device requests a remote method invocation.

The remote device's RPC manager unpacks the message from the packet at step 505 and directs the packet to the device driver program object within the intelligent remote device. The device driver program object generates a return message that is passed back to the remote device's RPC manager. At step 507, the remote device's RPC manager packs the return message into a reply buffer. The remote device's RPC manager sends the reply buffer at step 508.

The display device's RPC manager receives the reply buffer at step 509 and unpacks the reply buffer to extract a return value at step 510.

Applicants' Specification, p. 85, l. 1-18 (emphasis added).

For at least these reasons, claims 45-48 find support in the written description of the Applicants' original specification. Accordingly, Applicants respectfully request that

the rejection of claims 45-48 under 35 U.S.C. § 112, first paragraph, be withdrawn and the claims allowed.

Claim Rejections - 35 U.S.C. § 103

The Examiner asserts that Goldstein teaches “a method of providing an interactive display on a display device in a network that controls a remote device in the network” (Office Action, p. 3, ll. 10-11), but admits that Goldstein “does not teach the step of receiving the reply from the remote device when the communication manager detects [sic] communication errors” (Office Action, p. 3, ll. 20-21). In order to cure this deficiency, the Examiner cites Abrams et al. as teaching “a method of dynamic adjustment of timers in a communication network wherein responses are provided when data communications errors are detected” and asserts that “it would have been obvious to an artisan . . . to combine Goldstein’s teaching with Abrams et al. in order to prevent erroneous data communication session termination.” Id., p. 3, l. 21–p. 4, l. 4 (citing the abstract of Abrams et al.).

Even assuming that the Examiner’s assertions set forth above are correct (which Applicants do not concede), Applicants respectfully traverse this rejection for at least the reason that Abrams et al. is not prior art to the instant application. In order to qualify as prior art under 35 U.S.C. § 103(a), a reference must qualify as prior art under one of the sections of 35 U.S.C. § 102. See M.P.E.P. § 2141.01 (8th Ed., Rev. 2, May 2004). However, Abrams et al. does not qualify as prior art under any of the sections of 35 U.S.C. § 102.

The instant application was filed on January 23, 2002. In addition, as indicated in the preliminary amendment filed on that same date, this application "is a continuation of application Serial No. 09/628,300, filed July 28, 2000, which is a continuation of application Serial No. 08/406,578, filed March 20, 1995, which is a divisional of application Serial No. 08/067,574, filed May 24, 1993, all of which are incorporated herein by reference." Accordingly, the instant application has an effective filing date of May 24, 1993.

However, the issue (publication) date of Abrams et al. is April 20, 2004. Since this issue date of Abrams et al. does not precede the filing date of the present application, Abrams et al. cannot be considered a prior art reference under either of 35 U.S.C. §§ 102(a) or 102(b). With respect to 35 U.S.C. § 102(e), the cover sheet of Abrams et al. indicates that its underlying application was filed on January 5, 1999, and makes no claims for priority to an earlier application. Since this filing date of Abrams et al. does not precede the effective filing date of the present application, Abrams et al. cannot be considered a prior art reference under 35 U.S.C. § 102(e).

Since Abrams et al. fails to qualify as prior art under any section of 35 U.S.C. § 102, the Examiner's rejection of claims 45-54 under 35 U.S.C. § 103(a) as being unpatentable over Goldstein in view of Abrams et al. is improper. Accordingly, for at least this reason, Applicants respectfully request that the rejection of claims 45-54 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

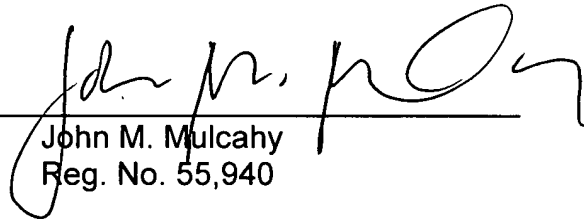
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 14, 2005

By: _____


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